

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA

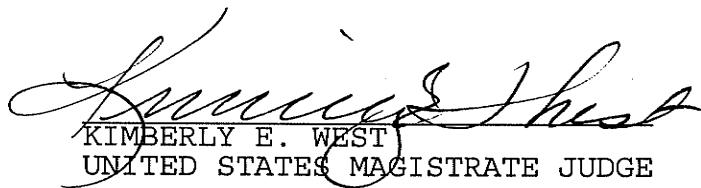
SUE ELLEN RITTER,)
Plaintiff,)
v.) Case No. CIV-06-353-KEW
MICHAEL J. ASTRUE,)
Commissioner of Social)
Security Administration,)
Defendant.)

O R D E R

In this action under the Social Security Act, Plaintiff, through her attorney, has moved the Court for an award of attorney's fees and costs pursuant to the provisions of the Equal Access to Justice Act ("EAJA"), codified at 28 U.S.C. § 2412(d). In its response, the Government states that it has no objection to a reasonable attorney fee in the amount of \$1,952.48. The Court has reviewed the record in this case, including Plaintiff's Application, and concurs in the award requested. Consequently, Plaintiff's Application for Award of Attorney's Fees Under the Equal Access to Justice Act filed November 13, 2007 (Docket Entry #23) is hereby **GRANTED** and the Government is ordered to pay Plaintiff's attorney's fees in the amount of \$1,952.48. Given the recent pronouncement by the Tenth Circuit Court of Appeals, the award shall be made to Plaintiff as the prevailing party and not directly to Plaintiff's counsel as requested in the Application. Manning v. Astrue, 2007 WL 4443228, 4 (10th Cir. (Okla.)); 28 U.S.C. § 2412(b). However, in so ruling, this Court is not

expressly or impliedly making a determination as to the validity or priority of any lien Plaintiff's attorney may possess as against this award, as that issue is neither before this Court nor relevant at this time. In addition, should Plaintiff's counsel ultimately be awarded attorney's fees pursuant to 42 U.S.C. § 406(b)(1), counsel shall refund the smaller amount to Plaintiff. Weakley v. Bowen, 803 F.2d 575, 580 (10th Cir. 1986).

IT IS SO ORDERED this 3rd day of January, 2008.



KIMBERLY E. WEST
UNITED STATES MAGISTRATE JUDGE